

The Manasquan Planning Board held a Regular meeting on Tuesday, June 11, 2013 at 7PM in the Council Chambers of the Borough Hall, 201 East Main Street, Manasquan, New Jersey. Mr. Cramer attorney to the Planning Board read the Open Public Meeting Statement. Chairman John Burke asked everyone to please stand and salute the Flag.

Roll Call:

Board Members Present:

John Muly, Councilman Owen McCarthy, John Burke, Greg Love, Leonard Sullivan, Mark Apostolou, Peter Ragan and Robert Young.

Board Members Absent:

Mayor George Dempsey, Patrick Callahan, Joan Harriman, Neil Hamilton, Jay Price

Professionals Present:

Geoff Cramer – Planning Board Attorney

Al Yodakis – T & M Engineering, Planning Board Engineer/Planner

APPLICATION #21-2013 – VFW, 30 Ridge Avenue – Block: 43 – Lot: 4.01 – Zone: R-2 –

Chairman Burke said a letter came this afternoon at 3:45PM from the VFW and they are requesting that we continue this application to July 2, 2013. Leonard Sullivan made a motion to continue the application, the motion was seconded by Councilman McCarthy, all in favor none opposed.

APPLICATION CARRIED WITH RE-NOTICING AND RE-PUBLISHING AS THIS IS A USE VARIANCE

APPLICATION #24-2013 – Rufolo, Joseph and Mary – 2 Riddle Way – Block: 169.05 –

Lot: 58.01 – Zone: R-3 – Keith Henderson is the attorney representing the applicants. Mr. Cramer found the file to be in good order and accepted jurisdiction. Mr. Cramer proceeded to swear in Joseph and Al Yodakis, Board Engineer. Keith said this is another post Sandy application to raise a building which was pre-existing and approved by the Board. The applicant submitted this application on his own before he met with Keith and with it he submitted an elevation certificate; unfortunately that certificate was based upon 1929 data rather than 1988 data. When Mr. Furey wrote it up he required a 3-foot Variance as this Board is quite cognizant at this time due to rising sea levels there is about a foot difference between the '88 and '25 data. He has a new sealed survey certificate which demonstrates that fact, which was marked Exhibit A-1. First Mr. Rufolo gave his testimony. He previously appeared before the Board to demolish an existing home and build a new house. It was approved in Resolution #26-2003. Said Resolution is in the file as well as in all Board member packets. In that Resolution at that point in time that neighborhood was developed with small bungalows, today it does not look like that at all. Some people felt the structure they proposed would be imposing the neighborhood and as a gesture to the neighbors he limited the height at 31-feet. That has come back to haunt him as it was contained in the Resolution as a condition. Now that he has to lift the building he would be violating that condition and that is what we are seeking relief from. This lot is

conforming and any existing Variances on it were approved by the Board back in 2003. Katy corner to this property the Board approved a 35-foot building; the building next to Mr. Rufolo is 32.5-feet. He is seeking to raise his. The Rufolo's during Sandy lost everything on the first floor. They have corrected the damage post Sandy. They did not have flood insurance so he and his wife bore the burden themselves. He and his wife have lived in this Town 40 years, this was his dream house, they put everything into it, and they worked very hard in the building of the house. The devastation to them is almost unbearable and they want to stay in Manasquan and the only way to do that is to raise this house up, so they can sleep at night and not worry about another Storm and more damage. They want to enjoy the fruits of their life and the Town they love and live in. He is asking for just what the ABFE is. They request to go to 35-feet. His is a conforming lot. Keith stated this is a C-1 and C-2 Variance. Mark Apostolou made a motion to open the meeting to the public, the motion was seconded by Councilman McCarthy, all in favor none opposed. There was no public participation. Mark Apostolou made a motion to close the public portion, the motion was seconded by Councilman McCarthy, all in favor none opposed. Leonard Sullivan made a motion to approve the application, Councilman McCarthy seconded the motion.

Board Members Voting Yes:

John Muly, Councilman McCarthy, John Burke, Greg Love, Leonard Sullivan, Mark Apostolou with the understanding that this is through no fault of the applicant, Peter Ragan and Robert Young

APPLICATION APPROVED

APPLICATION #28-2013 – McCaffrey, Bernard and Denise – 73 Second Avenue – Block: 163 – Lot: 9 – Zone: R-5 – Mr. Cramer swore in Denise McCaffrey, owner/applicant, Terrence Hegel, owner of Atlantic Modular Homes, Albert Yodakis, T & M Engineering/Planner to the Planning Board. Denise McCaffrey was the first to testify. Ms. McCaffrey gave the background of the home and the fact that following Super storm Sandy they now intend to build a new home. They are tearing down an existing house and propose to construct a modular home on a lot that is undersized, 25 X 86-feet. The new house will be a three bedrooms, 2-bath, 2-story house. He went over the variances requested. The Variances requested are for frontage, rear yard, lot area, lot coverage and building coverage. There will be a patio to the bulkhead instead of a deck. The existing house was non-conforming in terms of its side yard setbacks; the new house will have 5-feet on each side. They need a parking Variance, when the house is raised the stairs will protrude into the second parking space. He referenced some of the surrounding houses stating they were under in parking also. Mr. Hegel was asked if there was any way a car could be parked underneath the house. He said if you want to park a car under a house you have to meet fire code, the entire bottom of the house has to be sealed with double rated dry wall and the entire house has to be double dry walled on all bearing walls, doubled on the ceiling and that is an expense they weren't looking to incur. The air conditioning units will remain in the rear. They are proposing pavers for the patio in the rear. Al Yodakis said we prefer to see porous pavers. Mr. Hegel said they would be willing to stipulate to have some sort of permeable paver or something else. Al Yodakis addressed his letter with the applicant and builder. Al said they need a front yard setback variance for the stairs. He asked for additional details on the re-charge system to make sure they

have an overflow. Curbs will be replaced where necessary. The minimum storage area if underneath should be enclosed and not visible to the neighbors. Also a landscaping plan is required. The applicant also stipulated that the access stairway at the rear of the property will come out in the direction of the bulkhead and not be closer than 6-feet to the bulkhead. John Muly made a motion to open the meeting to the public, the motion was seconded by Mark Apostolou, all in favor none opposed.

Audience members coming forward:

Joseph Lisanti – 71 Second Avenue – he lives right next door to the applicant, he is pleased with the plans and feels they don't have any negative impact on his property or his life. He is in favor of the project.

Bob Zanes – 75 Second Avenue – He asked if the Resolution will eliminate the deck and he also agrees with his neighbor Joe Lisanti.

Mark Apostolou made a motion to close the public portion, the motion was seconded by Councilman Owen McCarthy, all in favor none opposed.

Mrs. McCaffrey gave her closing statement. She said this has been a tough year.

John Muly made a motion to approve the application based on the stipulations that were stated, the motion was seconded by Mark Apostolou.

Board Members Voting Yes:

John Muly, Councilman McCarthy, John Burke, Greg Love, Leonard Sullivan, Mark Apostolou, Peter Ragan, and Robert Young.

APPLICATION APPROVED

APPLICATION #29-2013 – Hohenstein, Robert – 63 Beachfront – Block: 165 – Lot: 24.03 – Zone: R-4 – Alice Kavanaugh introduced herself and her husband Robert Hohenstein, owner/applicants of 63 Beachfront. She took the lead for testimony. Mr. Cramer swore in Alice Kavanaugh, Robert Hohenstein and Albert Yodakis. Ms. Kavanaugh gave the background of the home and the proposed deck. She stated there was a deck there previously that was ruined by Sandy. The front of the house was also ruined and sustained a lot of damage. She explained the proposal that was in the Board members packets, which included a one page letter, survey, Resolution for 61 Beachfront dated June 21, 1989 and a 1957 Survey of 65 Beachfront. They are requesting to put a deck on the front of the house that is 18-feet across the front and 14-feet toward the Ocean. They don't have a picture of what was there from the mid 80's, however they had a survey from the 60's which shows a deck that went completely across the front of the house and out 6-feet. At some point in the mid 80's her mother-in-law put a deck on. They went to the Town and requested information on the decks on either side of them and what they did receive was information with regard to the Kymer property which is 61 Beachfront right to their North and she also submitted about 20 pictures which Geoff Cramer collectively identified them as Exhibit A-1. She added two more photographs to the group. These photographs show that they tried to just follow what the neighbor's on either side of them has. As a result of an OPRA request they did receive information regarding the Kymer property and what they did see was that in 1989 the Kymer's received a Variance. They essentially had the same thing, a six foot deck across the entire house and they received a Variance to add 8-feet toward the Ocean. That helped them decide roughly what the size of the decks was up there. Because of the way their house sits on their property they didn't want to ask for a Variance that goes across the whole front of the house because it would be too close to the

Condo's on the South. So, that's why they brought it in two-feet on that side. They tried to keep their setbacks somewhat consistent with the neighbors on the north and the south. There exist several easements affecting the property however the Hohenstein's own the both properties affected by the easements. John Burke said the file should have a survey showing those easements. There wasn't a report written by Al Yodakis for this application. Al said it's a pretty straightforward application and he said there is always the potential there could be a sale of one of those lots so having a Survey would be a good idea showing those easements. He asked Ms. Kavanaugh if there was going to be stairs coming down from the deck going toward the beach. Ms. Kavanaugh said their builder is present should the Board members have any questions. This property is north of the beach walk so there is no macadam in front of the house. The proposed stairs will be 4-feet wide and the deck height proposed is 3.5-feet. Robert Young made a motion to open the meeting to the public, the motion was seconded by Mark Apostolou, all in favor none opposed.

Audience Members Coming Forward:

Linda Farrel – Doris Kymer's daughter – 61 Beachfront – their house is the first house north of 63 Beachfront. Her experience is that when an attorney speaks for the record that he or she should dispose that she is an attorney. She wanted this on record that Alice Kavanaugh is also an attorney. Ms. Kavanaugh said she is certainly not here in any official capacity, in fact she would have had to have gotten permission to appear as an attorney, she is solely here as a spouse. Ms. Farrel requested that the Variance relief be denied. She said the Board has denied this request before and she bases her request to uphold the Board's denial on the following facts. She quoted from the Zoning Officer's denial letter. She said her mother's family has been here for five generations and they love the community and they are neighbors. They contacted the Hohenstein's to let them know that they appreciate their desire to have a larger deck and to go out further to go up higher, that's great but to encroach on an already established encroachment is not particularly an act of good neighbor relations. They were unaware of any easements, ingress/egress, what they do know is that they have maintained that ingress/egress solely at her mother's cost and will continue to do so. She again requested that the Board denies this Variance. Mr. Cramer said you mentioned in your presentation that there had been a previous denial of a Variance request with respect to the Hohenstein property. She said she had understood that. She received one FedEx document indicating that there had been a previous denial. Geoff asked, by this Board? John Burke said this property has not come before this Board before, it could be you are inferring the Zoning Officer's denial letter regarding this property. Ms. Farrel said she amends her request to ask you to deny the variance request. She said the corner of the Hohenstein house is less than 5-feet and her understanding is the deck would come to the corner point of the northeast side of the Hohenstein house. The old deck was set back from the northeast corner of the house, so in granting a variance you are granting to bring that deck to the corner of the house and that's not where the deck was before. The house itself is not 5-feet from our property line and it does create a further ingress/egress problem in that respect. She was asked if the deck was five-feet from the property line would that be ok with her and she answered yes. Mark Apostolou pointed out to Ms. Farrel that an attachment to the application shows that her mother's property received the exact same variance relief back in 1989 to go out 14-feet for a deck. She was not aware of that. Mark said there is a copy of that Resolution attached to the file. Mark gave her a copy of the Resolution.

Ralph Condo – owner of the property just south of the Hohenstein's and he had a few questions, most of which was covered in a picture that was taken in '02 and it shows very well the setback of the porch in '02. He has owned his property since 1957; he retired there and is a little concerned when he looks at the Hohenstein's map. He thinks the request should be denied, they had a nice porch there and he wasn't approached on any of this until two days before he received the notice. We could have had a conversation about it and probably even eliminated even being here tonight.

Doris Kymer – 61 Beachfront – she has been down here since 1928 so watch it. She said they are very fond of the Hohenstein's they have always had a good relationship and it will continue to be that way. She said what she is speaking about right now is if they desire to go up higher so they can get into their house there, that's great. But, the only problem we have and what really upsets her and is worried about is if the deck is extended toward her entrance from the back onto the Beach, when people are going back and forth and they do because actually from the Street the sidewalk is her property, it hasn't bothered her at all how else would they get to the Beach but what concerns her is how do you have access to the front if it's a very narrow space. The width of the porch is the only thing that she has a problem with that she is concerned about. The length or the height doesn't bother her but extending the deck the way it's proposed would make difficulty going from the back up through the two houses to the Ocean. The Board members explained to her it would be further away from her house. She said she would have to sleep on that.

Mark Apostolou made a motion to close the public portion of the meeting, the motion was seconded by Robert Young, all in favor none opposed.

Ms. Kavanaugh gave her closing statement.

Mark Apostolou made a motion to approve the application as submitted in reviewing the attachment this is the exact same relief the adjacent property owner received, the motion was seconded by John Muly.

Board Members Voting Yes:

John Muly, Councilman McCarthy, John Burke, Greg Love, Leonard Sullivan, Mark Apostolou, Peter Ragan and Robert Young.

No negative votes

APPLICATION APPROVED

RESOLUTION #19-2013 – Kehoe, Aaron – 273 Beachfront, 272 First Avenue – this will be held until the next meeting.

RESOLUTION #22-2013 – Kelly, Kathleen – 163 McLean Avenue – John Muly made a motion to memorialize the Resolution, the motion was seconded by Leonard Sullivan.

Board Members Voting Yes:

John Muly, John Burke, Leonard Sullivan and Peter Ragan

RESOLUTION MEMORIALIZED

RESOLUTION #23-2013 – Manetto, Carlo – 261 First Avenue – Councilman McCarthy made a motion to memorialize the Resolution, the motion was seconded by Leonard Sullivan.

Board Members Voting Yes:

John Muly, Councilman McCarthy, John Burke, Leonard Sullivan, and Peter Ragan.
RESOLUTION MEMORIALIZED

RESOLUTION #26-2013 – Feigley, Kathleen – 463 Long Avenue – Councilman Owen McCarthy made a motion to memorialize the Resolution; the motion was seconded by Leonard Sullivan.

Board Members Voting Yes:

John Muly, Councilman McCarthy, John Burke, Leonard Sullivan
RESOLUTION MEMORIALIZED

RESOLUTION #27-2013 – Coffey, Kevin – 574 Marlin Avenue – John Muly made a motion to memorialize the Resolution, the motion was seconded by Leonard Sullivan.

Board Members Voting Yes:

John Muly, John Burke, Leonard Sullivan and Peter Ragan
RESOLUTION MEMORIALIZED

Next there was an e-mail from Patrick Callahan regarding the Zhang property, Mike Sinneck was supposed to be present tonight to speak about this property. The owner is requesting to make the fence higher than the six-feet allowed. They propose to add a lattice of some sort on top of the existing fence. Councilman said the neighbor's behind the property need to be aware there is a discussion ongoing regarding the height of the fence. He stated this is a Code issue as if the property is not maintained then the owner has to comply with the Resolution and maintain his property. Al Yodakis the Board Engineer said if trees die out they need to be replaced. The Board suggested Kevin, Patrick and Mike Sinneck come to the June 18th meeting for further discussion on this issue.

John Muly made a motion to approve the minutes for the regular meeting of March 5, 2013; Mark Apostolou seconded the motion, all in favor none opposed.

MINUTES APPROVED

Councilman Owen McCarthy made a motion to approve the vouchers; the motion was seconded by Greg Love, all in favor none opposed.

VOUCHERS APPROVED

John Muly made a motion to adjourn the meeting, the motion was seconded by Leonard Sullivan, all in favor none opposed.

MEETING ADJOURNED AT 8:56PM

Respectfully Submitted,

Mary C. Salerno
Planning Board Secretary

